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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,963	03/16/2004	Mark S. Pelletier	117.0010002	4192
38356	7590	09/22/2004	EXAMINER	
E.J. BROOKS & ASSOCIATES, PLLC 1221 NICOLLET AVENUE, SUITE 500 MINNEAPOLIS, MN 55403			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,963

Applicant(s)

PELLETIER, MARK S.

Examiner

DARYL C POPE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 should be written in one sentence form, therefore the letter "A" in line 3 should not be capitalized;

- Claim 1 line 1 and 3, "the output" and "the logic circuits" have no antecedent basis;

-- Claim 2 line 1, "the vehicle" has no antecedent basis;

-- Claim 3 line 2, "the presence or absence" has no antecedent basis;

-- Claim 4 lines 2-3, "the absence" has no antecedent basis;

-- Claim 7 line 3, "the vehicle" has no antecedent basis;

-- Claim 8 line 1, "the temperature" has no antecedent basis;

-- Claims 11 and 12, line 1, "the sleep mode" has no antecedent basis

-- Claim 12, the phrase "(door switch closed, dome light on)" is indefinite and should be deleted;

-- Claim 13 line 1, "the alarm" has no antecedent basis.

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ART REJECTION:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4,7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez(6,496,106).**

-- In considering **claim 1**, the claimed subject matter that is met by Rodriguez includes:

1) the occupancy sensor, logic circuits, and temperature element to switch power to the logic circuits is met by motion detecting device(128), comparator(110), and temperature sensing device(126) which is connected to the comparator and provides a signal to the comparator such that the comparator compares the temperature signal with a stored predetermined limit(see: column 3, lines 31-36).

-- **Claim 2** recites subject matter that is met as discussed in claim 1 above, as well as:

1) the occupancy sensor being energized while the vehicle is not in use is met by the controller activating monitoring when the vehicle has been turned off(see: column 3, lines 46-55).

-- **Claims 3-4** recite subject matter met in claim 1 above, as well as:

1) the timing function is met by the timer(108, column 3, lines 39-45; column 5, lines 1-21) wherein a time period is elapsed for the carbon and temperature sensors to determine limits before the motion detecting device is activated.

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-- **Claim 7** recites subject matter that is met as discussed in claim 1 above, as well as:

1) the logic providing one electrical power source termination for the occupancy sensor when the machine uses the occupancy sensors in conjunction with a temperature element as an alarm control is met by the controller activating the alarm(116, column 5, lines 21-32) when the motion detecting device(128) is used in conjunction with the temperature sensing device(126) to detect occupancy in the vehicle as discussed in claim 1 above.

-- **Claim 10** recites subject matter that is met as discussed in claim 1 above, since it would have been inherent that the logic would not have been activated when air temperature would not have exceed the threshold limit as discussed in column 5, lines 1-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5-6,8-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez.**

-- In considering **claims 5-6,11, and 12**, it would have been obvious that a sleep mode would have been included in the system of Rodriguez, since a sleep mode would have consisted of the alarm system not being operational. Furthermore, it would have been

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obvious that a sleep mode would have been inhibited when an alarm would have been active, since an active mode is the exact opposite of a sleep mode.

As well, it would have also been obvious that the occupancy sensing would have been initiated when door switches were operated, delaying energizing alarm components while occupancy sensors would have stabilized, and that the sleep mode would have been inhibited when a passenger door would have been open, because this would have constituted an instance when the vehicle ignition would have been turned off, and the timer function would have been operational to initiate the monitoring functions of the system.

-- In considering **claim 8**, the examiner takes Official notice that in the vehicle alarm art, use of input options such as dry contact, solid stat switch, logic level, and analog value for representing an occupant presence is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any of the above stated devices into the system of Rodriguez, since one of ordinary skill in the art at the time the invention was made would have recognized the most optimal device that would have efficiently operated in the system.

As well, all other claimed subject matter is met as discussed in claim 1 above.

All other claimed subject matter is met as discussed in claim 1 above.

-- In considering **claims 9 and 13**, the examiner takes Official Notice that in the vehicle alarm art, use of secure method alarm testing and resetting are well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate secure method alarm testing and resetting in the system of

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Rodriguez, since this would have allowed a user to ensure proper operation of the system, while at the same time ensuring that the user is the only authorized entity to test and reset the alarm.

As well, all other claimed subject matter is met as discussed in claim 1 above.

Conclusion

7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C POPE whose telephone number is (571) 272-2959. The examiner can normally be reached on M-TH 8:00-6:30.

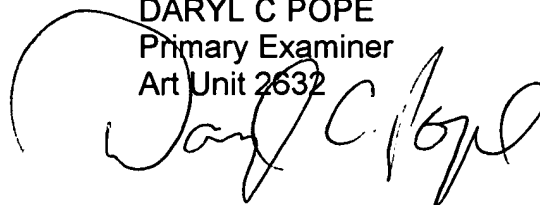
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Sept. 14, 2004

DARYL C POPE
Primary Examiner
Art Unit 2632



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